

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ALLSTATE LIFE INSURANCE COMPANY,

Plaintiff,

v.

JEFFREY STILLWELL, STILLWELL  
FINANCIAL ADVISORS, LLC, and  
THERESA FRANCY,

Defendant.

JEFFREY STILLWELL,

Counterclaim-Plaintiff,

v.

ALLSTATE LIFE INSURANCE COMPANY,

Counterclaim-Defendant.

Case No.: 3:15-cv-08251-AET-TJB

**JOINT MOTION FOR DISMISSAL OF  
CLAIMS AND TO ENTER BRIEFING  
SCHEDULE ON PLAINTIFF'S  
MOTION FOR FEES AND COSTS**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff/Counterclaim Defendant Allstate Life Insurance Company, on the one hand, and Defendant/Counterclaim Plaintiff Jeffrey Stillwell, and Defendants Stillwell Financial Advisors, LLC, and Theresa Francy (“Defendants”), on the other hand, by and through their respective undersigned counsel, hereby stipulate and agree that:

1. Allstate Life Insurance Company voluntarily dismisses Count V of its Amended Complaint, with prejudice;
2. Jeffrey Stillwell voluntarily dismisses Count II and III of his Counterclaim against Allstate Life Insurance Company, with prejudice;
3. Allstate Life Insurance Company voluntarily waives its rights to seek compensatory damages, punitive damages or any other damages against Defendants arising out of this case, other than attorneys’ fees and costs under Federal Rule of Civil Procedure 54(d).
4. Upon the dismissal of the foregoing claims, the trial scheduled for September 22, 2021, should be cancelled;
5. Plaintiff Allstate Life Insurance Company is permitted to file a Motion for Fees and Costs pursuant to Federal Rule of Civil Procedure 54(d) and Local Rules 54.1 and 54.2, with the briefing schedule as follows:
  - a. Plaintiff to file Motion for Fees and Costs on or by April 22, 2021;
  - b. Defendants to file opposition to Motion for Fees and Costs on or by May 28, 2021;
  - c. Plaintiff to file reply to Motion for Fees and Costs on or by June 17, 2021.

WHEREFORE, Plaintiff Allstate Life Insurance Company and Defendants Jeffrey Stillwell, Stillwell Financial Advisors, LLC, and Theresa Francy respectfully request this Court grant the Motion to Dismiss Count V of the Amended Complaint, Counterclaim Counts II and III,

and grant Plaintiff Leave to file its Motion for Fees and Costs pursuant to the schedule outlined herein.

**Date: March 9, 2021**

Respectfully submitted,

SEYFARTH SHAW LLP

By: /s/ James S. Yu

James S. Yu  
620 Eighth Avenue, 32<sup>nd</sup> Floor  
New York, NY 10018  
Tel.: (212) 218-5500

J. Scott Humphrey (admitted *pro hac vice*)  
Robyn E. Marsh (admitted *pro hac vice*)  
233 South Wacker Drive, Suite 8000  
Chicago, Illinois 60606  
Tel.: (312) 460-5000

*Attorneys for Plaintiff Allstate Life Insurance Company*

*and*

BUCHANAN INGERSOLL & ROONEY PC

By: S/ Andrew J. Shapren

Andrew J. Shapren (NJ ID No. 0732621)  
Anne E. Kozul (NJ ID No. 029622007)  
Two Liberty Place  
50 S. 16th St., Suite 3200  
Philadelphia, PA 19102-2555  
Te: (215) 665-8700

*Attorneys for Defendants and Counter-Claim Plaintiff*

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on March 9, 2021, he electronically filed the foregoing with the Clerk of the Court using the ECF system, which will send notification to all counsel of record.

*/s/ James S. Yu*

---

James S. Yu